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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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BORDEN LADNER GERVAIS LLP			FOX, BRYAN J	
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100 QUEEN STREET SUITE 1100			PAPER NUMBER	
OTTAWA, ON K1P 1J9			2686	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/092,600	STANNERS, SYDNEY DEVLIN	
	Examiner	Art Unit	
	Bryan J. Fox	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3 and 5-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,3 and 5-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 19 is objected to because of the following informalities: lines 7-8 recite the limitation "the land line telephone." There is insufficient antecedent basis for this limitation. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2, 5 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kearns in view of DeFino (US006104783A).

Regarding **claim 2**, Kearns et al disclose a system where a remote transmitter can be activated during an emergency, causing a base unit interfaced with the telephone lines to automatically dial 911 (see column 5, lines 15-23), which reads on

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the claimed "system for transmitting a signal to a 911 operator comprising: a transmitter for transmitting a triggering signal; at least one predialler in operative communication with each receiver, the predialler containing identifying information and being activated by the receiver's receipt of the triggering signal, the predialler transmitting a 9-1-1 signal with the precise location data embedded in the signal to a 911 operator upon activation." Even if the victim cannot speak, the 911 system operator will know the address of the victim by the automatic location identifier (ALI), which is part of the enhanced 911 system (see column 5, lines 27-31). Kearns et al fail to disclose a plurality of receivers.

In a similar field of endeavor, DeFino discloses a similar system with a plurality of receivers (see column 4, lines 4-20), which reads on the claimed, "at least one of a plurality of receivers within the transmitter's broadcast range for receiving the triggering signal and for receiving triggering signals from any one of a plurality of other transmitters."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Kearns et al with DeFino to include the above use of a plurality of receivers in order to provide more precise location information by identifying the closest receiver or receivers to the transmitter.

Regarding **claim 5**, the combination of Kearns et al and DeFino discloses that the base unit 14 includes an antenna for receiving signals from the transmitter 12 and cable with modular plug for interfacing base unit with the telephone lines (see column 5, lines 32-42), which reads on the claimed "the receiver is integrated stand alone unit."

Regarding **claim 7**, the combination of Kearns et al and DeFino discloses that the base unit is interfaced with the telephone lines and dials 911 (see Kearns et al column 5, lines 15-31), which reads on the claimed "the receiver and predialler are integrated within a landline telephone."

Regarding **claim 8**, the combination of Kearns et al and DeFino discloses that the base unit is interfaced with the telephone lines and dials 911 (see Kearns et al column 5, lines 15-31), which reads on the claimed "the receiver and predialler are integrated within a wall jack."

Regarding **claim 9**, the combination of Kearns et al and DeFino discloses a visual indicator and audible indicator that show that remote transmitter has been activated and, by providing such positive indication that the system has been activated, guard against false alarms (see Kearns et al column 6, lines 6-11), which reads on the claimed "the triggering signal indicates that an emergency or 9-1-1 call is being initiated."

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kearns in view of DeFino et al as applied to claim 2 above, and further in view of Walsh et al.

Regarding **claim 3**, the combination of Kearns et al and DeFino fails to expressly disclose that the transmitter is incorporated into a cellular telephone.

In a similar field of endeavor, Walsh et al discloses an emergency system device incorporated into a cellular telephone (see paragraphs 60-61).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Kearns et al and DeFino with Walsh et al

such that the wireless transmitter is incorporated into a cellular telephone in order to take advantage of the ability to reuse the RF circuitry in the cellular telephone.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kearns et al in view of DeFino, as applied to claim 2 above, and further in view of Yanagisawa (US006377169B1).

Regarding **claim 6**, Kearns et al fails to disclose the transmitter is incorporated into a vehicle communication system.

In a similar field of endeavor, Yanagisawa discloses a system where a transmitter in a vehicle transmits an emergency signal to the control center when an emergency situation arises (see column 8, lines 56-58).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Kearns et al with Yanagisawa to include the above transmitter incorporated into a vehicle in order to alert authorities in case of an accident as suggested by Yanagisawa (see column 1, lines 24-29).

Claims 10, 11, 16, 17, 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kearns et al in view of Walsh et al (US 20040033795A1).

Regarding **claim 10**, Kearns et al discloses a system where a remote transmitter can be activated during an emergency, causing a base unit interfaced with the telephone lines to automatically dial 911 (see column 5, lines 15-23), which reads on the claimed "system for transmitting a signal to a 911 operator," and, "a transmitter for

transmitting a triggering signal; a receiver for receiving the triggering signal,” and, “a predialler containing precise location data and being activated by the receiver upon the receiver’s receipt of the triggering signal, the predialler transmitting a 9-1-1 signal with the precise location data embedded in the signal to a 911 operator upon activation.” Even if the victim cannot speak, the 911 system operator will know the address of the victim by the automatic location identifier (ALI), which is part of the enhanced 911 system (see column 5, lines 27-31). Kearns et al fails to expressly disclose that the transmitter is incorporated into a cellular telephone.

In a similar field of endeavor, Walsh et al discloses an emergency system device incorporated into a cellular telephone (see paragraphs 60-61).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Kearns et al with Walsh et al such that the wireless transmitter is incorporated into a cellular telephone in order to take advantage of the ability to reuse the RF circuitry in the cellular telephone.

Regarding **claim 11**, the combination of Kearns et al and Walsh et al discloses a visual indicator and audible indicator that show that remote transmitter has been activated and, by providing such positive indication that the system has been activated, guard against false alarms (see Kearns et al column 6, lines 6-11), which reads on the claimed “the triggering signal indicates that a 9-1-1 call is being initiated.”

Regarding **claim 16**, Kearns et al discloses a system where a remote transmitter can be activated during an emergency, causing a base unit interfaced with the telephone lines to automatically dial 911 (see column 5, lines 15-23), which reads on

the claimed "method for transmitting a signal to a 911 operator with precise location data," and, "transmitting a triggering signal when the user initiates a 9-1-1 call on the cell phone; enabling a landline telephone with a receiver and a predialler, the receiver for receiving a triggering signal...and for activating the predialler upon receipt of the triggering signal." Even if the victim cannot speak, the 911 system operator will know the address of the victim by the automatic location identifier (ALI), which is part of the enhanced 911 system (see column 5, lines 27-31), which reads on the claimed "predialler for transmitting a signal to a 911 operator with precise location data." Kearns et al fails to expressly disclose that the transmitter is incorporated into a cellular telephone and the cellular telephone makes a 9-1-1 call.

In a similar field of endeavor, Walsh et al discloses an emergency system device incorporated into a cellular telephone (see paragraphs 60-61) and the wireless telephone makes an emergency telephone call to a PSAP (see paragraph 75).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Kearns et al with Walsh et al such that the wireless transmitter is incorporated into a cellular telephone and the cellular telephone makes a 9-1-1 call in order to take advantage of the ability to reuse the RF circuitry in the cellular telephone and create an intuitive activation.

Regarding **claim 17**, the combination of Kearns et al and Walsh et al discloses that the base unit dials 9-1-1 in response to activation from the transmitter (see Kearns et al column 5, lines 15-31), which reads on the claimed invention where the receiver identifies the signal as a 9-1-1 call.

Regarding **claim 20**, the combination of Kearns et al and Walsh et al discloses that the base unit is interfaced with the telephone lines and dials 911 (see Kearns et al column 5, lines 15-31), which reads on the claimed "the receiver and predialler are integrated within a wall jack."

Regarding **claim 22**, the combination of Kearns et al and Walsh et al discloses that the base unit is interfaced with the telephone lines and dials 911 (see Kearns et al column 5, lines 15-31), which reads on the claimed "the receiver and predialler are integrated within a wall jack."

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh et al in view of Kearns et al.

Regarding **claim 12**, Walsh et al disclose a system where a wireless communication device is told its location in a facility for use during an E911 call by the wireless communication device (see paragraph 55), which reads on the claimed "system for transmitting a signal to a 911 operator," and, "a cell phone." One of the wireless communication units 206-209 sends the location information to the wireless communication device present in one of the plurality of predetermined areas (see paragraph 69), which reads on the claimed "transmitting a return signal to the first transceiver, the return signal encoded with identifying information," and the wireless communication units may be connected to the PSTN via the controller 200 to provide an alternative communication path for the wireless communication device 104 (see figure 2 and paragraph 77). Preferably, in an E911 application, the wireless communication unit

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209 sends the location information at least one of before, during and after the wireless communication device communicates an emergency telephone call to a public safety answering point (see paragraph 75), which reads on the claimed “the first transceiver for receiving the return signal and, in response, for transmitting the return signal including the precise location data to a 911 operator.” Walsh et al fails to expressly disclose the cell phone transmitting a signal to start the process.

In a similar field of endeavor, Kearns et al discloses a transmitter that transmits a signal to activate a system to request emergency assistance (see column 3, lines 7-23).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Walsh et al with Kearns et al to include the above signal to activate the process in order to prevent the unnecessary use of system resources.

Claims 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Britton (US005745849A) in view of Walsh et al.

Regarding **claim 13**, Britton discloses an alarm system where a remote detector 17-19 generates data in response to an alarm event and transmits the data to the base unit 12 (see column 4, lines 5-22) and this may be via a radio link 28 (see column 3, lines 56-62), which reads on the claimed “transmitter for transmitting a triggering signal; transceiver for receiving the triggering signal.” The base unit is linked to the PST via a cellular link 38 to the nearest land-based cellular antenna site 40 (see column 3, line 63 – column 4, line 4), which reads on the claimed “cell phone including a first transceiver for receiving the triggering signal and for transmitting a second signal upon reception of

the triggering signal." The cell site connects to the PSTN to the alarm monitoring station, which dispatches police or fire-fighters as appropriate (see column 4, lines 5-23 and figure 1), which reads on the claimed "receiver for receiving the second signal from the cell phone; and a predialler... being activated by the receiver upon the receiver's receipt of the second signal, the predialler transmitting a 9-1-1 signal to a 911 operator upon activation." The cellular link is two-way (see figure 1), which reads on the claimed, "transmitting a return signal to the cell phone." Britton fails to expressly disclose that the signal includes precise location information with the return signal.

In a similar field of endeavor, Walsh et al disclose a system where, in an E911 application, the wireless communication unit 209 sends the location information at least one of before, during and after the wireless communication device 104 communicates an emergency telephone call to a public safety answering point and the location information sent to the wireless communication device is used for an automatic location identification (ALI) of the wireless communication device in the facility by the public safety answering point (see paragraph 75).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Britton with Walsh et al to include the above location information with the emergency call in order to provide an accurate location where other solutions may not apply, such as in a facility, as suggested by Walsh et al (see paragraph 55).

Regarding **claim 18**, Britton discloses an alarm system where a remote detector 17-19 generates data in response to an alarm event and transmits the data to the base unit 12 (see column 4, lines 5-22) and this may be via a radio link 28 (see column 3,

lines 56-62). The base unit is linked to the PST via a cellular link 38 to the nearest land-based cellular antenna site 40 (see column 3, line 63 – column 4, line 4), which reads on the claimed “providing a user with a cell phone for making a 9-1-1 call, the cell phone including a first transceiver for transmitting a triggering signal when the user initiates a 9-1-1 call on the cell phone.” The cell site connects to the PSTN to the alarm monitoring station, which dispatches police or fire fighters as appropriate (see column 4, lines 5-23 and figure 1), which reads on the claimed “enabling a second transceiver for receiving a triggering signal from the cell phone.” The cellular link is two-way (see figure 1), which reads on the claimed, “transmitting a return signal to the cell phone.” Britton fails to expressly disclose that the return signal includes precise location information.

In a similar field of endeavor, Walsh et al disclose a system where, in an E911 application, the wireless communication unit 209 sends the location information at least one of before, during and after the wireless communication device 104 communicates an emergency telephone call to a public safety answering point and the location information sent to the wireless communication device is used for an automatic location identification (ALI) of the wireless communication device in the facility by the public safety answering point (see paragraph 75).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Britton with Walsh et al to include the above location information with the emergency call in order to provide an accurate location where other solutions may not apply, such as in a facility, as suggested by Walsh et al (see paragraph 55).

Claims 14, 15, 19 and 21, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Britton (US005745849A) in view of Kearns et al.

Regarding **claim 14**, Britton discloses a base unit 12 linked to the PSTN via a landline 36 and a cellular link 38 for communicating an alarm signal (see column 4, lines 12-16 and figure 1), which reads on the claimed "transmitter for transmitting a triggering signal." The cellular link 38 reads on the claimed "bypass circuit for bypassing the PBX-type master switching box thereby connecting directly to an office junction box and the bypass circuit including a receiver for receiving the triggering signal from the transmitter." The base unit reads on the claimed "predialler in operative communication with the bypass circuit... activated by the receiver upon the receiver's receipt of the triggering signal." The base unit contacts the central alarm-monitoring station, which dispatches police or fire fighters as appropriate (see column 4, lines 5-23), which reads on the claimed "the predialler transmitting a 9-1-1... signal to a 911 operator upon activation." Britton fails to expressly disclose that the signal includes precise location information.

In a similar field of endeavor, Kearns et al discloses an alarm system that transmits a location identifier (ALI) with the call to 9-1-1 (see column 5, lines 15-31).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Britton with Kearns et al to include the above location information with the emergency call in order to notify the authorities of the location of the emergency.

Regarding **claim 15**, the combination of Britton and Kearns et al discloses a base unit 12 that receives an alarm signal and is connected to the PSTN via a landline and a cellular connection (see column 3, line 63 – column 4, line 23), which reads on the claimed “a landline telephone may be connected to the bypass circuit, the landline telephone integrating the receiver and the predialler.”

Regarding **claim 19**, Britton discloses a base unit 12 linked to the PSTN via a landline 36 and a cellular link 38 for communicating an alarm signal (see column 4, lines 12-16 and figure 1). The cellular link 38 reads on the claimed “providing a bypass circuit with a receiver for receiving the triggering signal from the land line telephone and for bypassing the PBX-type master switching box thereby connecting directly to an office junction box.” The base unit reads on the claimed “predialler in operative communication with the bypass circuit...activated by the receiver upon the receiver’s receipt of the triggering signal.” The base unit contacts the central alarm-monitoring station, which dispatches police or fire fighters as appropriate (see column 4, lines 5-23), which reads on the claimed “enabling the predialler in operative communication with the bypass circuit, the predialler activated by the receiver upon the receiver’s receipt of the triggering signal, and transmitting a signal to a 911 operator.” Britton fails to expressly disclose that the signal includes precise location information.

In a similar field of endeavor, Kearns et al discloses an alarm system that transmits a location identifier (ALI) with the call to 9-1-1 (see column 5, lines 15-31).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Britton with Kearns et al to include the above location

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information with the emergency call in order to notify the authorities of the location of the emergency.

Regarding **claim 21**, the combination of Britton and Kearns et al discloses that the base unit is connected to the PST (see Britton figure 1), which reads on the claimed, "the transmitter is integrated within landline wall jack."

Regarding **claim 23**, Britton discloses a base unit 12 linked to the PSTN via a landline 36 and a cellular link 38 for communicating an alarm signal (see column 4, lines 12-16 and figure 1), which reads on the claimed "transmitter for transmitting a triggering signal." The base unit reads on the claimed "first transceiver for receiving the triggering signal and for transmitting a second signal upon reception of the triggering signal." The base unit contacts the central alarm-monitoring station via a cellular link, which dispatches police or fire fighters as appropriate (see column 4, lines 5-23), which reads on the claimed "land line telephone including a receiver for receiving the second signal from the first transceiver and a predialler...activated by the receiver upon the receiver's receipt of the second signal, the predialler transmitting a 9-1-1 signal." Britton fails to expressly disclose that the signal includes precise location information.

In a similar field of endeavor, Kearns et al discloses an alarm system that transmits a location identifier (ALI) with the call to 9-1-1 (see column 5, lines 15-31).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Britton with Kearns et al to include the above location information with the emergency call in order to notify the authorities of the location of the emergency.

Regarding **claim 24**, the combination of Britton and Kearns et al discloses that the base unit is connected to the PST (see Britton figure 1), which reads on the claimed, "the receiver and predialler are integrated within landline wall jack."

Response to Arguments

Applicant's arguments filed August 18, 2005 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claims 2-9 and 18-24 have been considered but are moot in view of the new ground(s) of rejection.

The applicant argues that the combination of Kearns et al and Walsh et al is improper. The examiner respectfully disagrees. Specifically, the applicant argues that Kearns et al teaches away from using the transmitter as a cell phone. While the examiner agrees that Kearns does not expressly disclose this function, nowhere does Kearns et al exclude this functionality. The applicant makes further arguments that the combination would be inoperable, but the examiner disagrees. A person of ordinary skill in the art at the time of the invention could have modified Kearns et al with Walsh et al as discussed in the rejection above to obtain the claimed invention.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., separate transceivers not needed, a specific office number) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan J. Fox whose telephone number is (571) 272-7908. The examiner can normally be reached on Monday through Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Bryan Fox
November 29, 2005

Marsha D Banks-Harold

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